

EXHIBIT C

STATE COURT FILE

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI
ASSOCIATE DIVISION**

JOAN VAUGHN,

Plaintiff,

v.

NCB MANAGEMENT SERVICES, INC.

Serve at:

C T Corporation System
208 S La Salle St., Suite 814
Chicago, IL 60604

Defendant.

Cause No

Division

JURY TRIAL DEMANDED

PETITION

COMES NOW Joan Vaughn (“Plaintiff”), by and through her undersigned counsel, and for her petition states as follows:

INTRODUCTION

1. This is an action for actual and statutory damages brought to the Court by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 U.S.C. §1692 et seq. (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

2. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION

3. This Court has jurisdiction of the FDCPA claim under 15 U.S.C. § 1692k(d), as Defendant’s collection activity was directed to Plaintiff at her residence in Missouri. Plaintiff

suffered the harms described herein in Missouri. Venue is proper in the City of St. Louis, Missouri for this reason.

PARTIES

4. Plaintiff is a natural person currently residing in Franklin County, Missouri. Plaintiff is a “consumer” within the meaning of the FDCPA.

5. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions. Specifically, the alleged debt arose from consumer purchases of goods and services Plaintiff made on her Westlake Financial Services account.

6. Plaintiff has a bona-fide dispute of the debt. While Plaintiff did purchase consumer goods and services on her Westlake Financial Services account, the balance alleged of \$7,830.66 is not accurate to the best of Plaintiff’s understanding as it overstates any amount that could be due or owing to Defendant.

7. Defendant NCB Management Services, Inc. (“Defendant”) is a foreign limited liability company with its principal place of business located outside the state of Missouri.

8. The principal business purpose of Defendant is the collection of debts nationwide; Defendant regularly attempts to collect debts alleged to be due to another entity.

9. Defendant is engaged in the collection of debts from consumers through means of using mail and telephone. Defendant is a “debt collector” as defined by the FDCPA. 15 U.S.C. §1692a(6).

FACTS

10. Defendant’s collection activity, of which Plaintiff disputes, occurred within the previous twelve (12) months.

11. On August 12, 2020, Defendant attempted to collect the alleged consumer debt from Plaintiff via mail by sending its collection letter to Plaintiff. Plaintiff received this collection letter on approximately August 19, 2020, which stated a balance of \$7,830.66.

12. Plaintiff believed the balance to be suspicious for the reasons stated above.

13. Accordingly, Plaintiff hired an attorney to advise her with respect to the debt that Defendant was trying to collect.

14. Plaintiff paid her attorney a significant fee for this representation to ensure that Defendant would be compelled to deal with her attorney once Plaintiff informed Defendant that she had retained counsel.

15. Shortly after retaining counsel, Plaintiff called Defendant to provide her attorney's contact information.

16. After verifying her identity, Plaintiff informed Defendant that she had hired an attorney to represent her on the debt Defendant was collecting and provided the name of her attorney to the Defendant.

17. Defendant, rather than taking attorney's contact information, proceeded to ignore Plaintiff's statement of being represented by an attorney.

18. Defendant proceeded to collect the debt directly from Plaintiff, even though it had been informed that Plaintiff hired counsel. Specifically, Defendant told Plaintiff, "Just by them being an attorney doesn't mean that they get better deals" and that "We would give you the best deal."

19. Defendant wanted to make Plaintiff's decision to hire counsel seem like an unbeneficial one. Defendant was attempting to get Plaintiff to settle directly with Defendant by making it seem as though Defendant would not work with Plaintiff's attorney.

20. This was an attempt to collect the debt from Plaintiff and to bypass Plaintiff's retained counsel by trying to get Plaintiff to settle the debt directly with Defendant.

21. Defendant proceeded to ask Plaintiff personal questions about finances for nearly five minutes, before Defendant reiterated once again that she would like her attorney to represent her on the debt.

22. Defendant's conduct showed blatant disregard for Plaintiff's right to cause debt collection communications to stop upon provision of Plaintiff's attorney information.

23. Defendant's above-described conduct has caused Plaintiff to incur actual damages including but not limited to attorneys' fees paid to her counsel, anxiety, frustration, and worry.

24. Further, Defendant's above-described conduct has caused Plaintiff to suffer the following additional injuries in fact:

- a. Plaintiff has been deprived of her statutorily created right to cause debt collection communication to cease upon provision of her attorney's contact information; and
- b. Plaintiff has been deprived of her statutorily created right to truthful information about the debt because Defendant misrepresented the amount of the debt.

25. The injuries in fact are fairly traceable to the challenged actions of Defendant in that Defendant engaged in the phone call with Plaintiff.

26. Plaintiff's injuries in fact are likely to be redressed by a favorable decision in this Court.

COUNT I: VIOLATION OF THE FDCPA

27. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

28. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 U.S.C. § 1692 et seq., including, but not limited to, the following:

- a. Falsely representing the character, amount, or legal status of the alleged debts, specifically the fact that Plaintiff was not entitled to attorney representation on the debt and the amount of the debt as stated in the phone call. 15 U.S.C. § 1692e; and
- b. Engaging in harassing, abusive, deceptive, misleading, unfair, and unconscionable conduct in the collection of a debt, including but not limited to refusing to acknowledge Plaintiff's right to counsel. 15 U.S.C. § 1692d-f; and
- c. Refusing to cease collection communications with Plaintiff once Defendant knew or should have known that Plaintiff was represented by counsel. 15 U.S.C. § 1692c.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages in an amount to be determined by the jury;
- C. Statutory damages, costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692(k); and
- D. For such other relief as the Court may deem just and proper.

Respectfully submitted,

ROSS & VOYTAS, LLC

By: /s/ Richard A. Voytas, Jr. _____

Richard A. Voytas, #52046

St. Louis, MO 63131

Phone: (314) 394-0605

Fax: (636) 333-1212

rick@rossvoytas.com

Attorney for Plaintiff

In the
CIRCUIT COURT
 City of St. Louis, Missouri



For File Stamp Only

JOAN VAUGHN

Plaintiff/Petitioner

October 19, 2020

Date

vs.

NCB MANAGEMENT SERVICES, INC.

Defendant/Respondent

Case number

Division

REQUEST FOR APPOINTMENT OF PROCESS SERVER

Comes now Plaintiff, pursuant to Local Rule 14, requests the appointment by the Circuit Clerk of

Michael A. Jones 4101 S Halsted St., Ste. 9191 7737766610

Name of Process Server Address Telephone
 Chicago IL 60609

Name of Process Server Address Telephone

Name of Process Server Address Telephone

to serve the summons and petition in this cause on the below named parties.

SERVE:

C T Corporation System - Rgt. Agt. for NCB

Name
 208 S La Salle St., Suite 814

Address
 Chicago, IL 60604

City/State/Zip

SERVE:

Name

Address

City/State/Zip

Appointed as requested:

TOM KLOEPPINGER, Circuit Clerk

By

Deputy Clerk

Date

SERVE:

Name

Address

City/State/Zip

SERVE:

Name

Address

City/State/Zip

/s/ Richard A. Voytas, Jr.

Attorney/Plaintiff/Petitioner
 52046

Bar No.
 12444 Powerscourt Dr., Ste 370., St. Louis MO

Address
 3143940605

Phone No.

RULE 14 SPECIAL PROCESS SERVERS

1. Any person appointed by the Court or the Circuit Clerk to serve process must have a license issued pursuant to this rule to serve process.
2. Licenses to serve process shall be issued by the Sheriff of the City of St. Louis if the applicant has met the following qualifications:
 - a. Is twenty-one years of age or older;
 - b. Has a high school diploma or an equivalent level of education;
 - c. Has insurance coverage for any errors or omissions occurring in the service of process;
 - d. Has not been convicted, pleaded guilty to or been found guilty of any felony, or of any misdemeanor involving moral turpitude; and,
 - e. Has passed a training course for the service of process which shall be administered by the Sheriff of the City of St. Louis.
3. Each applicant for a process server license under the provisions of this rule shall provide an affidavit setting forth such person's legal name, current address, any other occupations and current telephone numbers. Licensed process servers shall immediately notify the Sheriff of the City of St. Louis of any change in the above information, and the failure to do so shall constitute good cause for the revocation of such person's license.
4. The Sheriff of the City of St. Louis shall maintain a list of persons licensed to serve process pursuant to this rule, and shall make such list available to litigants upon request.
5. A photo identification card designed by the Sheriff of the City of St. Louis shall be issued in addition to the license. No other identification will be allowed. All licenses must be signed and approved by the Sheriff of the City of St. Louis and the Presiding Judge or his designee.
6. A license fee recommended by the Sheriff and approved by the Court En Banc shall be charged to cover the costs of compiling and maintaining the list of process servers and for the training of such process servers. The license fees shall be made payable to the Sheriff of the City of St. Louis.

7. A license for service of process issued under this rule may be revoked by the Sheriff with the approval of the Presiding Judge or his designee, for any of the following reasons:

- a. Misrepresentation of duty or authority;
- b. Conviction, guilty plea or finding of guilty of any state or federal felony, or a misdemeanor involving moral turpitude;
- c. Improper use of the license;
- d. Making a false return; or
- e. Any other good cause.

Provided, no service of process made by an appointed process server with a revoked license shall be void if the Court or Circuit Clerk made the appointment in good faith without knowledge of the license revocation.

8. Any person authorized to serve process may carry a concealed firearm as allowed by Section 506.145, RSMo, only while actually engaged in the service of process and only if the person has passed a firearms qualification test approved by a law enforcement agency; provided, however, that any licensed special process server may file a written waiver of the right to carry a concealed firearm and thereby avoid the requirements of firearm training and testing. Any violation of this section shall be considered beyond the scope of the privilege to carry a concealed weapon that is granted by the appointment, and shall constitute good cause for the revocation of the license.
9. Applications for the appointment of a special process server shall be made on forms available in the offices of the Sheriff and Circuit Clerk. Orders Appointing special process servers may list more than one licensed server as alternatives.
10. The licenses granted pursuant to this rule shall be good for two years. Each person granted a license shall be required to reapply at the expiration of the license and shall be required to provide all the information required in the initial application, including a current police record check.

(Approved 9/28/92; amended 11/23/92; 5/31/95; 12/17/07)

2022-AC09589

In the
CIRCUIT COURT
 City of St. Louis, Missouri



For File Stamp Only

JOAN VAUGHN

Plaintiff/Petitioner

October 19, 2020

Date

vs.

NCB MANAGEMENT SERVICES, INC.

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Appointed as requested:

TOM KLOEPPINGER, Circuit Clerk

By

Deputy Clerk

Date

/s/ Richard A. Voytas, Jr.

Attorney/Plaintiff/Petitioner
52046

Bar No.

12444 Powerscourt Dr., Ste 370., St. Louis MO

Address
3143940605

Phone No.



SPECIAL PROCESS SERVER

IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: NICOLE JEAN COLBERT BOTCHWAY	Case Number: 2022-AC09589	Special Process Server 1 M JONES
Plaintiff/Petitioner: JOAN VAUGHN	Plaintiff's/Petitioner's Attorney/Address or Pro Se's Address/Telephone Number: RICHARD ANTHONY VOYTAS 12444 POWERS COURT DRIVE SUITE 370 ST LOUIS, MO 63131 (314) 394-0605	Special Process Server 2
Defendant/Respondent: NCB MANAGEMENT SERVICES, INC.		Special Process Server 3
Nature of Suit: AC Other Tort	Date, Time and Location of Court Appearance: 18-NOV-2020 09:30 AM Division 28 CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101 Please see the attached information for appearing via WebEx. WebEx connection information may also be found at http://www.stlcircuitcourt.com/	(Date File Stamp)

Summons for Personal Service Outside the State of Missouri (Associate Division Cases)

The State of Missouri to: NCB MANAGEMENT SERVICES, INC.

Alias:

208 S LA SALLE ST., SUITE 814
CHICAGO, IL 60604

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court physically if the court is open to the public or virtually if not on the date, time and location above, to answer the allegation in the petition filed by the above-named plaintiff/petitioner, a copy of which is attached. If you fail to appear at the time and place stated in this summons, judgment by default will be taken against you for the relief demanded in the petition. **Due to COVID19 challenges, virtual appearances by Webex.com are required until further order of this Court. **
If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

October 23, 2020

Date

Further Information:

Officer's or Server's Affidavit of Service

Note to serving officer: Service must not be made less than 10 days nor more than 60 days from the date the defendant/respondent is to appear in court.

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state)
- I have served the above summons by: (check one)
 - ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
 - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to: _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address) in _____ County,
_____ (state) on this _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Information For Virtual Appearances via Webex Associate Circuit Civil Cases – Page 1

During the Coronavirus pandemic (COVID-19) , the **22st Judicial Circuit (St. Louis City)** has remained open and operational with limited access for in-person appearances pursuant to Missouri Supreme Court Orders and Operational Directives. Until further court order, all associate civil cases pending in **Divisions 28** will be conducted virtually via the **Webex** or other court approved video technology.

In order to participate through **Webex** or other court approved video technology, you **MUST** have a valid email address or access to a phone.

You may appear in one of three ways:

1. Attend by **Webex** or other court approved video technology (computer or smart phone);
2. Attend by **Webex** or other court approved audio technology (telephone);
3. If you do not have computer or phone access you can report to the Sheriff's Desk on the above date and time to request use.
Please provide a copy of your court order setting the case for hearing on said date.
4. **Only appear in person if you have been informed that Division 28 will conduct in person proceedings for your case on the date for your hearing is set.** To check on your case by telephone call **Division 28 at 314-613-3185 or the circuit clerk's office at 622-4433** during regular business hours. You can access your case online on CaseNet at www.courts.mo.gov

If you fail to appear at your scheduled Court hearing by one of the above methods , a default judgment may be entered against you.

To appear at the Webex hearing please follow the steps below:

Parties are required to appear in court on the date ordered physically if the courthouse is open for your specific proceeding or virtually using the below URL link and/or Audio Connection using Meeting Number/Access Code 961 544 759

URL:

<https://mocourts.webex.com/join/nicole.colbert-botchway>

Meeting Number:

961 544 759

Video Address:

nicole.colbert-botchway@mocourts.webex.com

Audio connection:

United States Toll +1-408-418-9388

Access code:

961 544 759

Additional Information For Self-Represented Litigants on Associate Circuit Civil Cases – Page 2

1. The **WebEx** app is free and available through all phone app stores, such as the Google Play store or iTunes. The call in number is a toll call.
2. At the time of your scheduled hearing, you should log into **Webex** or call in using the audio connection above.
3. If you have any questions, please call the **Division 28 court clerk at 314-613-3185**.
4. VIDEO OR AUDIO RECORDING by litigants or by counsel **IS PROHIBITED**.
5. Until your next court date, please consider the following:
 - You can monitor the status of your case online on CaseNet at www.courts.mo.gov. Use the “Track this Case” feature to automatically receive emails or text messages about your case.
 - **Before coming to the courthouse**, please check the St. Louis City Circuit Court website at www.stlcitycircuitcourt.com to determine whether the courthouse will be open on the day of your scheduled court hearing.
 - To check on your case by telephone call **Division 28 at 314-613-3185 or the circuit clerk’s office at 622-4433** during regular business hours. Due to the increased volume of calls, court clerks may not be available at all times to answer questions via telephone.
 - You have the right to hire an attorney to represent you.
 - Attorneys must **mark and** e-file all documents.
 - If you are not represented by a lawyer, you may file answers or other pleadings with the court by mail, or **when the Court is open to the public** come in person to the St. Louis City Circuit Clerk’s office, 10 North Tucker, St. Louis, MO 63108.

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI
ASSOCIATE DIVISION**

JOAN VAUGHN,

Plaintiff,

v.

NCB MANAGEMENT SERVICES, INC.,

Defendant.

Case No 2022-AC09589

Division 28

MOTION FOR CONTINUANCE

COMES NOW Plaintiff Joan Vaughn, by and through her undersigned counsel, and requests this Court a continuance from a November 18, 2020 at 9:30 a.m. court date to a December 16, 2020 at 9:30 a.m. court date.

Respectfully submitted,

ROSS & VOYTAS, LLC

By: /s/ Richard A. Voytas, Jr.
Richard A. Voytas, Jr., #52046
rick@rossvoytas.com
12444 Powerscourt Drive, Ste 370
St. Louis, MO 63131
Phone: (314) 394-0605
Fax: (636) 333-1212

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served by operation of the electronic filing system pursuant to Rule 103.08 and Court Operating Rule 27.01 this 19th day of November, 2020.

/s/ Richard A. Voytas, Jr.



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2022-AC09589 - JOAN VAUGHN V NCB MANAGEMENT SERVICES INC (E-CASE)

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11/19/2020 ☒ [Motion for Continuance](#)

Motion for Continuance.

Filed By: RICHARD ANTHONY VOYTAS

On Behalf Of: JOAN VAUGHN

11/18/2020 ☒ **Hearing Scheduled**

Scheduled For: 01/13/2021; 9:30 AM ; NICOLE JEAN COLBERT BOTCHWAY; City of St. Louis

☒ **Hearing Continued/Rescheduled**

Hearing Continued From: 11/18/2020; 9:30 AM Hearing

10/23/2020 ☒ [Summons Issued-Associate](#)

Document ID: 20-ASOS-485, for NCB MANAGEMENT SERVICES, INC..

☒ **Hearing Scheduled**

Associated Entries: 11/18/2020 - Hearing Continued/Rescheduled

Scheduled For: 11/18/2020; 9:30 AM ; NICOLE JEAN COLBERT BOTCHWAY; City of St. Louis

10/19/2020 ☒ **Filing Info Sheet eFiling**

Filed By: RICHARD ANTHONY VOYTAS

☒ [Motion Special Process Server](#)

Request for Appointment of Process Server.

Filed By: RICHARD ANTHONY VOYTAS

On Behalf Of: JOAN VAUGHN

☒ [Pet Filed in Associate Ct](#)

Petition.

Filed By: RICHARD ANTHONY VOYTAS

☒ **Judge Assigned**